

## CCRB INVESTIGATIVE RECOMMENDATION

|  |  |                           |   |                                    |                                 |
|--|--|---------------------------|---|------------------------------------|---------------------------------|
| Investigator:<br>Stephanie Mleczkowski           | Team:<br>Squad #15                                       | CCRB Case #:<br>201403703 | <input type="checkbox"/> Force                        | <input type="checkbox"/> Discourt. | <input type="checkbox"/> U.S.   |
|  |  |                           | <input checked="" type="checkbox"/> Abuse             | <input type="checkbox"/> O.L.      | <input type="checkbox"/> Injury |
| Incident Date(s)<br>Thursday, 04/10/2014 5:52 PM | Location of Incident:<br>212th Street and Jamaica Avenue | Precinct:<br>105          | 18 Mo. SOL<br>10/10/2015                              | EO SOL<br>10/10/2015               |                                 |
| Date/Time CV Reported<br>Thu, 04/10/2014 6:15 PM | CV Reported At:<br>IAB                                   | How CV Reported:<br>Phone | Date/Time Received at CCRB<br>Thu, 04/17/2014 5:53 PM |                                    |                                 |

| Complainant/Victim | Type | Home Address |
|--------------------|------|--------------|
|                    |      |              |
|                    |      |              |

| Subject Officer(s)     | Shield | TaxID  | Command |
|------------------------|--------|--------|---------|
| 1. DT3 Kevin Desormeau | 3787   | 941653 | GANG Q  |
| 2. POM Stephen Lalchan | 21926  | 947149 | GANG Q  |

| Officer(s)            | Allegation   | Investigator Recommendation |
|-----------------------|--|-----------------------------|
| A.DT3 Kevin Desormeau | Abuse: Det. Kevin Desormeau stopped § 87(2)(b)                                 |                             |
| B.DT3 Kevin Desormeau | Abuse: Det. Kevin Desormeau frisked § 87(2)(b)                                 |                             |
| C.POM Stephen Lalchan | Abuse: PO Stephen Lalchan questioned § 87(2)(b) Unknown.                       |                             |
| D.DT3 Kevin Desormeau | Abuse: Det. Kevin Desormeau refused to provide his shield number to § 87(2)(b) |                             |
| E.POM Stephen Lalchan | Abuse: PO Stephen Lalchan refused to provide his shield number to § 87(2)(b)   |                             |
| § 87(4-b) § 87(2)(g)  |  |                             |
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|                       |  |                             |

### Case Summary

On April 10, 2014, at 5:52 p.m., § 87(2)(b) and his friend § 87(2)(b) were seated in a parked, grey BMW beneath a train trestle located at 212<sup>th</sup> Street and Jamaica Avenue in Queens. § 87(2)(b) was the passenger, while § 87(2)(b) drove. When § 87(2)(b) opened his passenger vehicle door in order to exit, he allegedly heard an officer, identified via investigation as Det. Kevin Desormeau of Gang Squad Queens South, yell “Police!” § 87(2)(b) then noticed a black, two-door Hyundai with tinted windows had parked behind his vehicle.

Det. Desormeau exited the aforementioned vehicle and allegedly pulled § 87(2)(b) out of his vehicle (**Allegation A**). Det. Desormeau turned § 87(2)(b) around so that he faced his vehicle and Det. Desormeau then allegedly patted § 87(2)(b)'s torso and legs (**Allegation B**). § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Simultaneously, an additional officer, identified via investigation as PO Stephen Lalchan of the aforementioned command, stood on the driver's side of the vehicle and allegedly requested § 87(2)(b)'s driver's license (**Allegation C**), however the officers proceeded to leave before he could furnish it. § 87(2)(b) then requested their shield numbers and an unspecified officer allegedly responded that his shield number was “364 or 365” and provided his name as “Detective Williams” (**Allegations D and E**, respectively). The officers then entered their vehicle and drove away; § 87(2)(b) did not indicate that a summons was issued during this incident.

### Mediation, Civil and Criminal Histories

§ 87(2)(b) rejected mediation § 87(2)(b)

As of August 20, 2014, which is past the 90-day filing deadline, § 87(2)(b) had not filed a notice of claim in regards to this incident (encl. J5). A follow-up request was made on March 25, 2015 in order to determine if § 87(2)(b) filed a recent notice of claim in regards to this incident, which will be added to the case file upon receipt (encl. J10-J13).

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

### Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) (encl. A12).
  - Det. Desormeau has been a member of the NYPD for eight years and has had three substantiated CCRB allegations (encl. A7-A10).
    - In case number 201307838, the Board recommended Charges for force and abuse of authority allegations against Det. Desormeau. In the aforementioned case, the NYPD penalty is still pending.
    - In case number 201410266, which is currently awaiting panel review, Det. Desormeau allegedly stopped a vehicle and refused to provide his name and shield number to the victim upon her request.
  - PO Lalchan has been a member of the NYPD for six years and does not have any substantiated CCRB allegations (encl. A11). § 87(2)(g)
- § 87(2)(b)

## Civilian Statement

### Complainant/Victim: § 87(2)(b) (encl. B5-B9)

- § 87(2)(b) and his friend § 87(2)(b) last name unknown, were seated in a parked, grey BMW beneath a train trestle located at 212<sup>th</sup> Street and Jamaica Avenue in Queens. § 87(2)(b) drove, while § 87(2)(b) was the passenger. While § 87(2)(b) opened his vehicle door in order to exit, he heard an officer, identified via investigation as Det. Desormeau, yell “Police!” § 87(2)(b) then noticed an unmarked black, two-door Hyundai with tinted windows had parked behind his vehicle.
- Det. Desormeau exited the unmarked police vehicle and pulled § 87(2)(b) out of the car, by making contact with his arms. Det. Desormeau turned § 87(2)(b) around so that he faced his vehicle and Det. Desormeau then patted § 87(2)(b)’s torso and legs. Det. Desormeau then grabbed § 87(2)(b)’s penis above his clothing and squeezed it.
- Simultaneously, § 87(2)(b) observed an officer, identified via investigation as PO Lalchan, stand on the driver’s side of the vehicle and request § 87(2)(b)’s driver’s license, however § 87(2)(b) raised his voice towards Det. Desormeau and stated “What the fuck are you doing?” Immediately thereafter, Det. Desormeau told PO Lalchan that they should leave the location, and the officers proceeded to leave before § 87(2)(b) could furnish his driver’s license.
- § 87(2)(b) then requested their shield numbers and one of the two officers, § 87(2)(b) could not state which one, responded that his shield number was “364 or 365” and provided his name as “Detective Williams.” The officers then entered their unmarked police vehicle and drove away.
- Immediately after the incident occurred, § 87(2)(b) dialed 911 and reported this incident.

## NYPD Statements

### Subject Officer: DETECTIVE KEVIN DESORMEAU (encl. D1-D4)

- On January 21, 2015, Det. Desormeau was scheduled to be interviewed for this case, as well as for case number 201412748. When he arrived at the CCRB, he stated that he was solely notified for his appearance in the latter case and he declined to be interviewed for this case because he failed to bring his memo book entry from the date of the incident.
- On February 3, 2015, Det. Desormeau was scheduled to be interviewed for this case, but he arrived at the CCRB at approximately 11:00 a.m. without any prior notification to the undersigned investigator that he was running late, resulting in him arriving at the Agency when the NYPD Detectives’ Endowment Association union representatives had already left. Det. Desormeau declined to provide a statement without a union representative at that time. The undersigned investigator confirmed with his command that he had a court appearance on this date, § 87(2)(g).
- Det. Desormeau finally provided a statement to the CCRB on February 11, 2015, at which time he failed to provide to the undersigned investigator his memo book entry from the date of the incident. Det. Desormeau subsequently faxed his memo book entry to the CCRB. He did not document any memo book entries in regards to this incident.
- At the time of the incident, Det. Desormeau was permanently assigned to Gang Enforcement within the confines of the 103<sup>rd</sup> and 113<sup>th</sup> Precincts. He was partnered with PO Lalchan.
- Det. Desormeau initially indicated that he was assigned to RMP § 87(2)(b) which is an unmarked, four-door gray Nissan. Det. Desormeau was then presented with the Unmarked Vehicle Utilization Record for vehicle number § 87(2)(b) and the movement sheet,

at which time he confirmed that he was assigned to that vehicle, which is a black unmarked Hyundai.

- Despite being presented with a synopsis of the incident, Det. Desormeau did not recall the incident and stated that he was not involved in said incident. He stated that he was not informed of this incident by any officers. Det. Desormeau was unsure if he stopped any individuals on the date of the incident.

**Subject Officer: PO STEPHEN LALCHAN** (encl. F1-F4)

- PO Lalchan did not document any memo book entries in regards to this incident.
- PO Lalchan was assigned to Gang Enforcement within the borough of Queens on the incident date. PO Lalchan noted that he and Det. Desormeau typically perform Gang Enforcement within the confines of the 103<sup>rd</sup> and 113<sup>th</sup> Precincts in South Jamaica.
- Based on his memo book entry, PO Lalchan confirmed that he was assigned to vehicle number § 87(2)(b).
- Despite being presented with a synopsis of this incident, PO Lalchan did not remember if he was involved in this incident. He noted that the incident did not sound familiar to him and he was not informed of this incident by any officers.
- PO Lalchan could not recall if he stopped any black or dark-skinned individuals on April 10, 2014. PO Lalchan could not recall if any civilians requested his or Det. Desormeau's name at the time of the incident. Det. Desormeau nor PO Lalchan have ever stated to a civilian that their name was "Det. Williams."

**NYPD Documentation**

**NYPD Booking, Arraignment and Disposition System search for April 10, 2014**

The aforementioned search revealed that solely one command was active within the precinct of occurrence at around the time of the incident: at 5:30 p.m. PO Malcom Palmer of Patrol Borough Queens South Anti-Crime made an arrest in the vicinity of the incident location (encl. H1-H3). However, as described in detail in the Officer Identification Section, the investigation determined that PO Palmer was not one of the officers involved in this incident.

**Event Summary** § 87(2)(b)

The aforementioned documentation was received by the CCRB on May 28, 2014. It notes that on April 10, 2014 at 5:52 p.m., a male caller named "§ 87(2)(b) § 87(2)(b)"

§ 87(2)(b) stated that the officer identified himself as "Detective Williams" and that he left the location in a black unmarked vehicle. It is noted that officers of the 105<sup>th</sup> Precinct, Patrol Sector D responded to this call, which was transmitted as an assault in progress. At 6:23 p.m., a patrol supervisor assigned to the 105<sup>th</sup> Precinct reported that an assault did not take place (encl. H7-H11).

**105<sup>th</sup> Precinct's Electronic and Handwritten Stop, Question and Frisk Logs**

The electronic copy of the aforementioned documentation was received by the CCRB on May 28, 2014, while the handwritten copy was received on July 7, 2014. This documentation yielded negative results for a Stop, Question and Frisk Report generated in regards to this incident (encl. H12-H13).

### **NYPD Fleet Services Division Confirmation**

The CCRB received the aforementioned documentation on August 5, 2014, which confirmed that the following commands within the borough of Queens were assigned black unmarked Hyundai vehicles on April 10, 2014: Narcotics Borough Queens (vehicle number § 87(2)(e), § 87(2)(b)) Intelligence Unit (vehicle number § 87(2)(e), § 87(2)(b)) and Gang Squad Queens (vehicle number § 87(2)(e), § 87(2)(b)) (encl. H14).

### **Narcotics Borough Queens Memorandum**

On December 2, 2014, the undersigned investigator received confirmation from Det. Michael Dimeglio of Narcotics Borough Queens North that vehicle numbered § 87(2)(e), § 87(2)(b) which the NYPD Fleet Services Division stated was assigned to his command on the date of the incident, was not a part of his fleet at the time of the incident (encl. H28).

### **Vehicle number § 87(2)(e), § 87(2)(b) Unmarked Vehicle Utilization Record**

On December 2, 2014, the undersigned received the aforementioned documentation, which notes that vehicle number § 87(2)(e), § 87(2)(b) was assigned to Sgt. Anthony Mottola of the Intelligence Unit on April 10, 2014. § 87(2)(e), § 87(2)(b) (encl. H26-H27).

### **Gang Squad Queens South Documentation**

On August 6, 2014, the undersigned investigator received the Gang Squad Queens South Movement Sheet, which notes that on April 10, 2014, Det. Desormeau and PO Lalchan signed out of their command at 3:10 p.m. and their destination was the 103<sup>rd</sup> and 113<sup>th</sup> Precincts. It is noted that they were assigned to vehicle § 87(2)(e), § 87(2)(b) and returned to the command at 9:15 p.m. (encl. H22).

On December 22, 2014, the undersigned investigator received the Vehicle number § 87(2)(e), § 87(2)(b) Unmarked Vehicle Utilization Record, which notes that on April 10, 2014 at 3:15 p.m., Det. Desormeau signed out vehicle number § 87(2)(e), § 87(2)(b). He listed his destination as the confines of the 103<sup>rd</sup> and 105<sup>th</sup> Precincts (encl. H24-H25).

### **In-house IAB-CCRB Liaison MISD Search**

On January 29, 2015, the MISD database yielded negative results for an officer that checked § 87(2)(b)'s name for active warrants on the date of the incident (encl. K33).

### **Potential Issues**

Since § 87(2)(b) did not have the full name or any contact information for § 87(2)(b) the investigation was unable to establish contact with him in order to obtain his statement regarding this incident.

The undersigned investigator experienced significant delays in obtaining NYPD documentation regarding the black, unmarked Hyundais which were in use at the time of the incident. On May 28, 2014, the undersigned investigator requested from Fleet Services Division the commands to which black, unmarked Hyundais were assigned on the date of the incident, which was not furnished to the CCRB until August 5, 2014. On August 22, 2014, the undersigned investigator requested the vehicle utilization logs for the vehicles that were in use at the time of the incident, which were not furnished to the CCRB until December 2, and 22, 2014.

It took over one month to obtain a CCRB statement from Det. Desormeau. Between December 31, 2014 and February 11, 2015, the undersigned investigator scheduled Det. Desormeau to be

interviewed at the CCRB eight times, for which several appointments he was either not notified or could not attend due to his required participation in search warrant executions conducted by his command and a scheduled court appearance.

## **Finding and Recommendations**

### **Identification of Subject Officer**

§ 87(2)(b) described PO1 as a black man, 6'1" tall, weighing 200 pounds, with a pointy nose and wearing a black t-shirt and black hat. § 87(2)(b) described PO2 as a Guyanese or Trinidadian man (which § 87(2)(b) knew based on his prior interaction with individuals of this ethnicity), with black hair, 5'10"-5'11" tall, having a stocky build and wearing a blue t-shirt and blue jeans. § 87(2)(b) was unable to determine the ages of these officers. Det. Desormeau's NYPD Single Officer Photograph indicates that he is a 5'9" tall, 218-pound, § 87(2)(b)-old black man (encl. H29). PO Lalchan's NYPD Single Officer Photograph indicates that he is a 5'10" tall, 200-pound, § 87(2)(b)-old, medium skin-toned Asian man (encl. H30). PO Lalchan listed on his CCRB Interview Report that his race was West Indian, and both West Indian and Trinidadian ethnicities stem from Caribbean origin. The pedigree information noted in their photographs corresponds to the physical description that § 87(2)(b) provided of the subject officers.

§ 87(2)(b) was not issued a summons and a warrant check was not conducted for him. The sole Event Summary that was generated in regards to this incident occurred when § 87(2)(b) reported this incident to 911, after the officers and § 87(2)(b) left the incident scene (encl. H7-H11). No Stop, Question and Frisk Report was generated in regards to this incident (encl. H12-H13). A search of the NYPD Booking and Arraignment Disposition System database revealed that at 5:30 p.m. PO Malcom Palmer of Patrol Borough Queens South Anti-Crime, a § 87(2)(b)-old black man, made an arrest in the vicinity of the incident location (encl. H1-H3). However, PO Palmer's memo book entry notes that he ended his tour at 6:05 p.m., which is approximately 10 minutes after this incident occurred (encl. E1-E2). In addition, PO Palmer's partner was Sgt. Matthew Slear, a § 87(2)(b)-old white man whose pedigree information does not correspond to that of either subject officer.

Since § 87(2)(b) noted that one of the officers informed him that his name was "Detective Williams," the undersigned investigator conducted a CCRB Complaint Tracking System, Officer Identification Tool search of this last name. There were negative results for a detective with the last name "Williams," assigned within the geographical area of the incident location. However, this search revealed that an officer, PO Lancet Williams, was assigned to the 105<sup>th</sup> Precinct, the precinct of occurrence, at the time of the incident. PO Williams' memo book (encl. G1-G3) revealed that at 4:00 p.m., he was en route to Bellevue Hospital in Manhattan in order to guard a prisoner. At 5:20 p.m., he was en route to 1 Police Plaza, where he performed administrative duties until 8:10 p.m.

§ 87(2)(b) alleged that an unspecified officer provided his shield number as either "364" or "365." This shield number is incomplete and a search of the Complaint Tracking System's Officer Identification Tool yielded negative results for an officer "Williams" with a shield number permutation similar to that provided by § 87(2)(b). Det. Desormeau's shield number is 3787 and PO Lalchan's shield number is 21926; neither of these officers' shield numbers correspond to the shield number provided by § 87(2)(b) of the subject officer during this incident.

Fleet Services Division confirmed that the following commands in the borough of Queens were assigned black unmarked Hyundais on April 10, 2014 (encl. H14): Narcotics Borough Queens (vehicle number § 87(2)(e), § 87(2)(f)), Intelligence Division (vehicle number § 87(2)(e), § 87(2)(f)) and Gang Squad Queens (vehicle number § 87(2)(e), § 87(2)(f)).

The Intelligence Division Unmarked Vehicle Utilization Record for vehicle number § 87(2)(e), § 87(2)(f) revealed that this vehicle was assigned to Sgt. Anthony Mottola of the Intelligence Unit on April 10, 2014 (encl. H26-H27). § 87(2)(e), § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

In addition, Det. Michael Dimeglio of Narcotics Borough Queens North confirmed that vehicle numbered § 87(2)(e), § 87(2)(f) was not a part of his fleet at the time of the incident (encl. H28).

The Unmarked Vehicle Utilization Record for vehicle numbered § 87(2)(e), § 87(2)(f) notes that on April 10, 2014 at 3:15 p.m., Det. Desormeau of Gang Squad Queens South signed out this vehicle. He listed his destination as the 103<sup>rd</sup> and 105<sup>th</sup> Precincts (encl. H24-H25). The incident location is within the confines of the 105<sup>th</sup> Precinct, which is about 6 blocks away from the 103<sup>rd</sup> Precinct border.

Both Det. Desormeau and Det. Lalchan were interviewed and provided with a synopsis of the incident, however neither recalled this incident. They did not document any memo book entries at around the time of the incident (encl. D1-D2, F1-F2). Despite the undersigned investigator's exhaustive contact attempts to § 87(2)(b), § 87(2)(b) has not contacted the CCRB in order to schedule a photo array. However, because the descriptions that § 87(2)(b) provided of the subject officers corresponded to the physical characteristics of Det. Desormeau and PO Lalchan, coupled with that they were assigned to an unmarked, black Hyundai, which § 87(2)(b) alleged that the subject officers drove at the time of the incident, they were identified as the officers involved in this incident. § 87(2)(g)

§ 87(2)(g)

**Allegation A- Abuse of Authority: Det. Kevin Desormeau stopped § 87(2)(b)**

**Allegation B- Abuse of Authority: Det. Kevin Desormeau frisked § 87(2)(b)**

**Allegation C- Abuse of Authority: PO Stephen Lalchan questioned § 87(2)(b) Unknown.**

**Allegation D- Abuse of Authority: Det. Kevin Desormeau refused to provide his shield number to § 87(2)(b)**

**Allegation E- Abuse of Authority: PO Stephen Lalchan refused to provide his shield number to § 87(2)(b)**

§ 87(2)(b) alleged that Det. Desormeau removed him from the front passenger seat of his friend § 87(2)(b)'s vehicle by making contact with his arms, patted his torso and legs, § 87(2)(b)

§ 87(2)(b) further alleged that simultaneously, he observed PO Lalchan request § 87(2)(b)'s driver's license, however the officers proceeded to leave before § 87(2)(b) could furnish it. Finally, § 87(2)(b) alleged that he requested both officers' shield numbers and one of the two officers, § 87(2)(b) could not state which one, responded that his name was Detective Williams. Despite being presented with a synopsis of this incident, neither Det. Desormeau nor PO Lalchan could recall this incident.

While Det. Desormeau and PO Lalchan could not recall this incident and did not prepare memo book entries in regards, the investigation was able to identify that they were the subject officers using various leads. The physical descriptions of them provided by § 87(2)(b) closely corresponded to their pedigree information listed in their NYPD Single Officer Photographs. Additionally, the Unmarked Vehicle Utilization Log for vehicle number § 87(2)(b) which is a black, unmarked Hyundai, exactly corresponded to the physical description provided by § 87(2)(b) of the officers' vehicle during the incident. The aforementioned documentation and the Gang Squad Queens South Movement Sheet also confirmed that both officers were within this vehicle at the time of the incident and using it in a precinct area where the incident occurred. Additionally, the investigation determined that no other police vehicles were in use at the time and location of the incident that corresponded to § 87(2)(b)'s description of the subject officers' vehicle. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)



|               |                          |                |               |
|---------------|--------------------------|----------------|---------------|
| Investigator: | _____<br>Signature       | _____<br>Print | _____<br>Date |
| Supervisor:   | _____<br>Title/Signature | _____<br>Print | _____<br>Date |
| Reviewer:     | _____<br>Title/Signature | _____<br>Print | _____<br>Date |
| Reviewer:     | _____<br>Title/Signature | _____<br>Print | _____<br>Date |